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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 WALTER V. LUCAS,
12 Plaintiff,

2:04-cv-0586-GEB-CMK-P

13 vs.

ORDER

14 B. ARNOLD,
15 Defendant.

16 _____/
17 Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant
18 to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to
19 Eastern District of California local rules.

20 On February 4, 2008, the magistrate judge filed findings and recommendations
21 (Doc. 102) herein which were served on the parties and which contained notice that any
22 objections to the findings and recommendations were to be filed within 20 days. No objections
23 to the findings and recommendations have been filed.

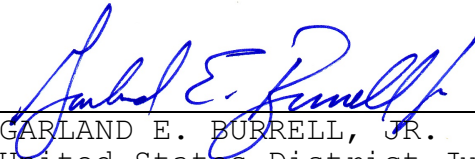
24 The court has reviewed the file and finds the findings and recommendations to be
25 supported by the record and by the magistrate judge's analysis.

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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed February 4, 2008, are adopted in full;
2. Defendant's motion (Doc. 86) is granted in part and denied in part;
3. Plaintiff's Eighth Amendment claim for interference with medical treatment, Fourteenth Amendment due process liberty interest violation claim, and racial/sexual harassment claims are dismissed;
4. Plaintiff's Eighth Amendment claim for excessive force is not dismissed;
5. Defendant is not entitled to qualified immunity;
6. This case will proceed on plaintiff's excessive force claim only; and
7. This case is referred back to the magistrate judge for further proceedings.

Dated: March 12, 2008


GARLAND E. BURRELL, JR.
United States District Judge